

any offence shall be presented for trial to any court unless the prosecutor or other person presenting such indictment has been bound by recognizance to prosecute or give evidence against the person accused of such offence, or unless the person accused has been committed to or detained in custody, or has been bound by recognizance to appear to answer to an indictment to be preferred against him for such offence, or unless the indictment for such offence is preferred by the direction of the Attorney or Solicitor-General for the Province, or by the direction or with the consent of a court or Judge having jurisdiction to give such direction or to try the offence."

2. That the second schedule to said chapter 174 is hereby amended by striking out the words "the jurors for our Lady the Queen upon their oath present," wherever they occur in the forms in said schedule, and substituting therefor the words "on behalf of our Lady the Queen it is charged."

3. That after a prisoner has been committed for trial or has elected, in the County Judges Criminal Court, to be tried by a jury, the County Crown Attorney, or other officer representing the Crown, shall prepare an indictment setting forth the offence for which the prisoner has been committed and present it to the then next Criminal Court having jurisdiction, at the opening of such court.

4. That it shall be no objection to such indictment that the offence complained of be charged both as a felony and as a misdemeanor and in any number of ways, so long as only one offence is charged therein, but this section shall only apply to indictments charging a felony.

5. That the prisoner so committed for trial and indicted as aforesaid shall, on the opening of said court, or so soon thereafter as may be convenient, be arraigned upon such indictment.

6. That upon and after arraignment the same proceedings for the trial of the prisoner shall be had as are now had upon the trial of the prisoner upon an indictment.

7. The Attorney or Solicitor-General, Presiding Justice or Judge, may direct an indictment to be preferred against any one whom a grand jury may now indict.

8. That the officer representing the Crown as aforesaid, shall before presenting an indictment to the court, endorse thereon the names of the witnesses intended to be called, in chief, by the Crown.

9. That the duties heretofore imposed on grand juries are hereby imposed on the Counsel for the Crown, County Crown Attorney, or other officer representing the Crown, as the case may be.

Yours, etc.,

COUNTY ATTORNEY.

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#### *ELECTION OF BENCHERS.*

*To the Editor of THE CANADA LAW JOURNAL:*

SIR,—As the statutory election of Benchers is soon to take place, I venture to suggest that it should, as a matter of prudence, be preceded by a proper pro-